

Eyes on the 2006 Prize

*Members prepare now to move
the union in a new direction in 2006*

**The 2006 IBT Convention and
Election Are a Chance to Reverse
the Decline in Teamster Power.
How are Teamsters Getting
Ready for the Challenge?**



"I am excited to see our reform movement grow. This movement will ultimately place true Teamster power back where it belongs: in the hands of rank and file Teamsters like you and me. Please consider investing in the future of YOUR union today by supporting TDU."

Aric A. Roeller
UPS Steward, Local 638
Granite Falls, Minn.

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____ \$25 for retirees. Retired from Local _____
☐ Check or money order
Mastercard/Visa # _____ Exp. Date _____
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Return to: TDU, P.O. Box 10128, Detroit, Mich. 48210

TDU membership is kept confidential. TDU solicits and accepts membership applications and donations only from Teamsters, retired Teamsters and spouses who are not employers. Only funds from Teamster members and their spouses can be used for campaign purposes.



Local Election Results Show Members Are Hungry for Change

A TDU analysis of recent local election results reveals that members are concerned about the decline of Teamster Power.

A victory by the Members First Slate in the 6,200-member Georgia Local 728 (above) topped the list of recent reform victories.

In other locals, old guard candidates barely survived strong challenges by candidates running on a platform of change. See story, page 6.

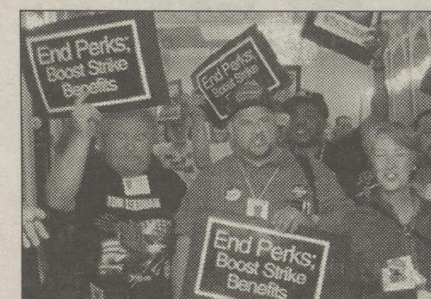
Members Set Sights on Delegate Races

Delegates to the 2006 Teamster Convention will have the power to nominate candidates for International office and to amend the Teamster Constitution.

In late 2005 and early 2006, every Teamster local will hold a supervised election to choose Convention delegates. Find out how members are preparing for those races now so that the rank and file has a voice at the Convention and a choice in the 2006 election for International officers. See story, page 3.



**Members are preparing now to
make their voices heard at the
2006 Teamster Convention.**



Letters From Our Members

Let's Call Out the Politicians

As a Teamster of 16 years, I don't understand the pass our union gives the past politicians. We have been under attack for years. Bill Clinton did us no favors with NAFTA. I have heard no mention of this fact during this entire political year.

We are getting what we deserve; if we don't call these politicians out, and demand that they work for our support, we will continue to lose our great union. After all, any Democrat running for office knows that in most cases they have the support of labor unions. So how hard do they have to work for the union vote? We must be willing to address these issues if we hope to have a strong voice in our future. At present, we are like sheep being led to slaughter.

Jeffrey Ross
Local 7, Yellow
Kalamazoo, Mich.

What Happened to Charlotte Local?

In regards to ABF in Charlotte allowing a non-union cartage company to load and deliver freight off of the Charlotte ABF dock [Convoy Dispatch, November/December 2004], where are the dock stewards? Why haven't there been SEVERAL grievances filed? What has happened to that local that this has been allowed to start, much less continue????

Jamie Rachels
Local 745, ABF
Dallas

If You're a Loader, You Load

I am a victim of Consolidated Freightways' illegal shutdown in 2002. Concerning Yellow Freight's Article 18 proposal for "Premium Service" [Convoy Dispatch, November/December 2004] I

knew it was coming in 2001. That's one of several reasons I never considered going to work for Yellow Freight. This so-called "competitive edge" sounds so much like what the Con-Ways and the Overnites do that I wanted no part of it.

Job classifications, such as dock, city, and road, have traditionally been a given fact of IBT freight contracts, no different from job classifications found in most UAW contracts. You're a painter, you paint. You're a welder, you weld. So, you're a loader, you load. You're a driver, you drive.

Call me a traditionalist, but I truly believe that the IBT Organizing Dept., as well as many locals, has dropped the ball by not organizing the non-union competition. They are to blame for the Article 18 Letter of Understanding, and the members will pay dearly, with more on-the-job injuries, increased insurance claims, and less "quality time" at home with family.

Dennis Anderson
Local 413
Columbus, Ohio

Results of Tom Leedham's Work

I just finished reading the November/December 2004 issue of Convoy Dispatch and felt compelled to write after reading the article about Tom Leedham.

I am a retired warehouseman from Local 206, Portland, Ore. The last several years that I was in Local 206 I had the privilege of knowing Tom Leedham and seeing the results of his work. He is a dynamic leader and always dispatched his duties as secretary-treasurer of Local 206 with zeal and effectiveness. Tom is not a "double dipper" and I am glad that he will be around for a while. It will be beneficial for the rank and file for Hoffa and the International to be "stuck with" Tom Leedham.

Larry Brandt
Local 206, retired
Atlanta, Ill.

More Fatigued, Dangerous Drivers

The new 34-hour restart provision of the recently revised hours-of-service log-book regulations enables the transportation employer class to demand that drivers work and drive as much as 98 hours in an eight-day cycle (compared to 70 hours under the previous regulations). This is a 40% increase over the old rules! A mere 34-hour "weekend" following a five-day string of 14-hour workdays is totally inadequate. This ill-advised provision is not only going to severely degrade the quality of life the average heavy-duty transport operator; it is going to increase the number of fatigued, dangerous truck drivers on our highways.

Earl Elias
Local 223, Allied
Portland, Ore.

Self Serving Leaders on Their Way Out

I firmly believe TDU is dedicated to representing us Teamsters in a way completely consistent with the spirit of unionism: that is to say, a true democratic agenda with the welfare of everyone and the rights of each individual member an everyday goal. What we Teamsters need to do is recognize this, support TDU by joining and let our current self-serving international leadership know that they are on their way out and TDU is on the way in. I am a twenty-nine year Teamster and I have seen enough.

P.S. "2006—Done with the fix"
Jack Branstetter
Local 886, UPS
Enid, Ok.

TDU International Steering Committee

CoChairs:

Joe Fahey, Milwaukee Local 200
Maria Martinez, Pasco, Wash. Local 556
Michael Ruscigno, New York Local 802
Michael Savvoir, Kansas City, Mo. L 41

Organizer:

Ken Paff, Detroit

Trustees:

Willie Hardy, Memphis Local 667
Jim Jacob, Providence, R.I. Local 251
Bob McNattin, Minneapolis Local 120

Members:

Richard Berg, Chicago Local 743
Dianne Bolton, Seattle Local 174
Gilbert Clark, St. Louis Local 688
Frank Halstead, Los Angeles Local 572
Toni Jackson, Memphis Local 667
Roy Kruchten, Chicago Local 705
Sandy Pope, New York City Local 805

Alternates:

Sam Putinja, Toronto Local 938
Matt Latzo, Baltimore Local 311
Larry Macdonald, Atlanta Local 728

Who We Are

CONVOY DISPATCH is the voice of Teamsters for a Democratic Union. We are the united rank and file movement to reform the Teamsters, created out of the merger of PROD and TDU.

We are truck drivers, dock workers, production workers—every kind of Teamster, and spouses, too.

We are a grassroots organization with chapters from coast to coast in the USA and Canada. We believe in returning this union to the membership and we are doing it. We are a democratic organization in which every member has a voice and vote. Our 15-member International Steering Committee was elected in October 2004 for one year. Our Rank & File Convention had 300 representatives present.

We are proud Teamsters standing up for our rights. TDU invites all Teamsters interested in defending our contracts and reforming our union to join us. We do reserve the right to exclude those who are opposed to TDU and its principles.

Rank & File Bill of Rights

I. DEMOCRATIC BYLAWS. All business agents and stewards should be elected. Vacancies in office should be filled by special election within three months. Local union committees should be elected. Contract and strike votes should be by majority (not two-thirds). All contracts should provide for elected officers retaining company seniority.

II. DIRECT ELECTION OF OFFICERS. General President and all International officers should be elected by the membership. International VPs should be elected by regions. No more trusteeships and split-off locals.

III. A FAIR GRIEVANCE PROCEDURE. Innocent until proven guilty, right to remain on the job until final procedure completed. Grievance procedure should include right to a speedy trial, arbitration by peers, and the right to strike if necessary.

IV. PRESERVATION OF WORKING CONDITIONS. The union's purpose is to expand and preserve what we have, not trade it away for less. People come first, not productivity.

V. SAFETY AND HEALTH. We have the right to enter the workplace without fear for our health and leave in the same condition we arrive. Teamsters should have the right, backed by our union, to refuse unsafe work or hazardous conditions. We are not machinery.

VI. EIGHT-HOUR DAY AND FIVE-DAY WEEK. Forced overtime and unfair dispatch rules destroy our family life and cost us jobs. No mandatory overtime, "flexible" work weeks, or 70-hour slavery. We are for the advent of the four-day work week. We work to live, not live to work!

VII. A DECENT PENSION. Every dollar in the pension funds belongs to us. We are entitled to 25-and-out, cost of living on pensions, and union pension trustees elected by the rank and file and retirees to safeguard our money.

VIII. JUST SALARIES FOR OFFICERS. A union officer can't understand the problems of members who make less than half what he or she makes. No officer should make more than the highest paid working members in their jurisdiction. No multiple salaries from union, company, or government sources, or special fringes and pensions. Salary increases limited to the average increase for members, and subject to membership approval.

IX. EQUALITY AMONG TEAMSTERS. Bring all wage levels up to the highest standards, not a lot for the few and little for the many. Fight the hardest for the lowest paid.

X. END TO DISCRIMINATION. Employers have used the differences in age, race and sex to divide us for decades. We oppose these injustices and divisions. Support affirmative action to correct past injustices. Employers should bear the cost of their past discrimination, not the members.

How to Contact TDU

We want to hear from you. Contact us at the addresses below for more information about TDU, or to send us articles or letters

National Office: P.O. Box 10128, Detroit, Mich., 48210. Phone: (313) 842-2600. Fax: (313) 842-0227.

E-mail: tdudetroit@tdu.org

Website: www.tdu.org

NY Office: 104 Montgomery St., Brooklyn, N.Y. 11225. Phone: (718) 287-3283. Fax: (718) 287-3287.

E-mail: tdueast@tdu.org

E-Mail Your Letter

Visit our web page at www.tdu.org and use the link provided there, or e-mail your letter to letters@tdu.org.



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TDU Sets Sights on 2006 Convention and Election

Members Look to 2006 to Shake Up Teamsters Union

"If you're concerned about our union, you can do something about it," says Seattle Local 174 President and UPS feeder driver Dianne Bolton. Bolton is also a member of the TDU Steering Committee. "In TDU, we're about positive change. We've set our sights on the 2006 Teamster Convention and IBT election. The convention is where we can make positive changes in the IBT constitution and nominate a good slate that can challenge and lead the Teamsters in a new direction."

Held every five years, the Teamster Convention is the top decision-making



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Dianne Bolton
Local 174, UPS
Seattle

body in our union. The next convention is scheduled for June 2006 in Las Vegas. TDU members have resolved to crash the party with an action plan to rebuild Teamster power.

"Our dues are up but our union is shrinking. Officer salaries are growing and members' pensions are being cut. Anyway you look at it, our union is getting weaker. The Hoffa administration needs a wake-up call and we're going to give it to them at the Teamster Convention," says Antonio Caldera of Chicago Local 743.

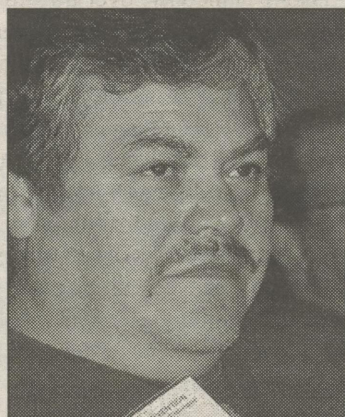
In late 2005 and early 2006, every Teamster local will hold an election to select delegates to the IBT Convention. TDU members recently voted to make fielding reform slates in these delegate elections a major priority for our organization in the coming year.

Nominating Candidates for Top Teamster Office

"From nominating candidates for International office to amending the constitution, the Teamster Convention is where it all happens," said Bill Zimmerman, of Oregon Local 206, who

was an elected delegate to the 1996 and 2001 Teamster Conventions.

Candidates for International office are officially nominated at the Teamster Convention. Candidates need to be nomi-



"Officer salaries are growing and members' pensions are being cut. Anyway you look at it, our union is getting weaker. The Hoffa administration needs a wake-up call."

Antonio Caldera
Local 743, Frederick Cooper
Chicago

nated by at least 5% of the delegates to be eligible to run in the 2006 election.

"At the 2006 Convention, we'll be able to nominate candidates for the International union election that will really fight for rank and file Teamsters," Zimmerman added.

"My local officers still support Hoffa, but after the dues increase and the pension cuts, members feel very different," says Nichelle Fulmore, a UPS package car driver in Lumberton, N.C. "It's vital that we send dedicated rank and file members to the convention who will stand up for the rights of the membership."



"From nominating candidates for International office to amending the constitution, the Teamster Convention is where it all happens."

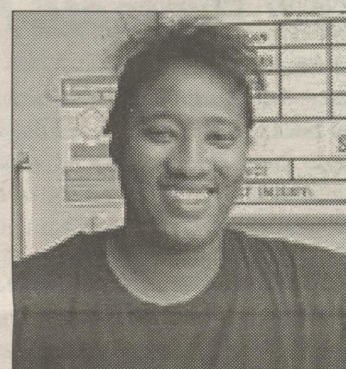
Bill Zimmerman
Local 206 President
Portland, Ore.

Winning New Constitutional Rights

The delegates to the IBT Convention also have the power to amend everything in the Teamster constitution.

Many of the protections Teamster members now enjoy were first proposed as constitutional amendments by reform delegates, including:

- The right to vote for international union officers,
- The right to vote for convention delegates,
- Majority rule on contracts,
- The right to vote on contract supplements and riders,
- Salary caps for international union officials,
- Sovereignty for Canadian Teamsters.



"It's vital that we send dedicated rank and file members to the convention who will stand up for the rights of the membership."

Nichelle Fulmore
Local 391, UPS
Lumberton, N.C.

Delegates to next year's convention will have the chance to introduce new constitutional reforms—like requiring a membership vote on any dues increase, capping bloated officers' salaries at a reasonable rate, increasing funding for organizing the nonunion competition, and making pension fund trustees accountable to the members.

"I want to see delegates on the floor of that convention who are willing to stand up and demand that pension fund trustees be accountable to the members," says Rick Sather of Local 638, who works at the Minneapolis Star-Tribune.

"We're going to put together a strong team of delegate candidates and we're going to make the voice of the members heard."

Strengthening Teamster Reform in Your Local

Running for delegate can mean more than being part of a movement for national change. It can also boost your efforts to rebuild Teamster power in your local union.

Milwaukee Teamsters Tim Buban and Darryl Connell say running for delegate helped reformers win the Local 200 officers' election.

"We ran a slate in the 2001 delegate election and won," Buban says. "Members got to know us and what we stood for. It also built up our campaign network. There's no doubt that winning the delegate election helped put us over the top in the local race."

Unlike local elections, the delegate races are overseen by an independent election administrator. The election rules will be similar to those used in past national elections with important protections that level the playing field for rank and file challengers.

What You Can Do Now

TDU members are gearing up now for these important delegate races. It starts with letting members know what's at stake at the convention and why the delegate races are so important.

"In the past, our local officers just nominated themselves and no one else ran for delegate," says Barry Strohl, a Roadway driver in Greenville, S.C., who belongs to Local 28.

"This time it will be different. We've already started working to make sure that members have a choice in the delegate elections. We need to send people to the Teamster convention who will represent the members, not their own personal interests."



"There's no doubt that winning the delegate election helped put us over the top in the local race."

Tim Buban
Local 200 Secretary-Treasurer
Milwaukee

To be eligible to run for delegate, candidates need to have paid their dues on time each month for 24 months before the delegate election.

Contact TDU today at (313) 842-2600 for more information or to set up a workshop on running for delegate.

Freight Contract Under Attack?

IBT Gives Yellow the Green Light for Premium Service

Yellow Freight is about to utilize combination jobs in the Midwest to facilitate the movement of "Premium Service" (one- and two-day delivery) freight. The change of operations was modified and approved at a hearing on Dec. 16 in Dallas.

This is the start-up operation for Yellow to test out the letter of understanding that the union agreed to insert into Article 18 of the NMFA, allowing combination road-dock employees to move premium service freight. The letter of understanding clearly states that it is "not intended to divert other traffic from the present method of operation and deprive employees of premium day work opportunities." But Yellow is going to do exactly those things.

Management initially proposed that they be permitted to divert up to 15% of existing freight to "prime the pump" in the premium service operation. After strong opposition from members and some local unions (why didn't all locals oppose it?), management made changes. The change of operations now states that only 9% of existing freight can be diverted. That amount could still be a lot: If Yellow were to extend this operation nationwide and divert 9% of existing freight, some 1,600 Teamster jobs could get downgraded.

The other major modification was to take out several locals, including some larger ones, so there will be no premium service employees in Cleveland, Chicago, Dayton, or Cincinnati. But premium serv-

ice drivers from the satellites will come into those terminals. This modification helped cool some locals' opposition.

Most Teamsters we hear from are surprised to see just how quickly the "no diversion of existing freight" clause was allowed to be violated.

The number of initial premium service positions was reduced to just 21. So in the beginning this is a small deviation from our contract. The larger issue remains: is this an opening that management will push through and expand over and over? Or will it be contained and allow the employer to increase market share in express freight, while preserving our jobs and working conditions? That will be answered by the vigilance of the members and union leadership.

STAA Whistleblower Law Protects Non-Drivers, Too

A recent case shows that some non-driver employees may be protected by the federal whistleblower law if they are engaged in activity related to truck safety or Department of Transportation regulations.

In *George T. Luckie v. UPS* an administrative law judge ruled that UPS retaliated against Luckie in response to his efforts to investigate a fire at the Montgomery, Ala., hub in 2001.

This case involves a UPS manager, not a union employee, yet it shows that the Surface Transportation Assistance Act whistleblower law can be used to counter truck-safety-related retaliation.

In October 2001 a package caught fire on a conveyor belt at the Montgomery hub. It could not be put out using fire extinguishers. The building was evacuated and the fire department was called. The building suffered over \$100,000 damage.

Luckie, as district security manager,

tried to investigate the cause of the fire and asked that the trailer from which the original package originated be isolated to determine that other packages were safe. He also pointed out that a form would have to be filed with the Department of Transportation, notifying them of the scope and nature of the incident. He stressed that in the wake of the 9/11 attacks it was imperative to determine the cause of the fire.

Instead of assisting Luckie's investigation, District Manager Chris Martin moved to end it. The fire debris was removed before the cause of the fire was learned; no effort was made to isolate other potentially dangerous packages or the trailer they came from. Martin removed Luckie from the investigation and ordered him to report that the fire was caused by friction on the conveyor belt.

Two weeks later Luckie was told he could accept an undesirable relocation, be

demoted, or resign. When he refused relocation or demotion he was fired.

On Dec. 2 Judge C. Richard Avery ruled that UPS had unlawfully retaliated against Luckie, and ordered that he be paid \$123,200 in compensatory damages plus interest, attorney fees and court costs.

Truck Committee Delivers Disunity

If a majority of members vote to do so, would that make it okay to negate or violate parts of the collective bargaining agreement? The answer is yes according to Local 391 Business Agent Tony Scott.

A so-called truck committee at Roadway under Scott's jurisdiction is making decisions about the assignment of equipment to pickup and delivery drivers, a practice that is unheard of elsewhere.

The freight contract provides for the formation of safety and health and other committees. That's all well and good, if the committees are used to uphold the contract and defend working conditions. But what happens when a committee moves beyond that mandate and starts bending to the political whims of the local union or the pressures of the employer?

In response to member complaints about this problem at Roadway, Local 391 points to the fact that the truck committee was formed with the majority of affected drivers agreeing to it. However, the actions of this committee could make it a violation of Article 6, Section 2 of the NMFA, which prohibits extra-contract agreements that conflict with the terms of the contract.

This problem shows that committees can be vulnerable to political or employer pressure. The freight division should make it clear that this is unacceptable.

Freight Lines

CF Retirees Shortchanged

One bad thing about the CF WARN settlement has not really gotten attention. CF shut down in September. That put me about fifteen days short of another year of pension credit. For those of us who could not find Teamster work and had to retire after the closing, that took a bite out of our pension check. That's \$100 per month in pension benefits lost for each retiree.

The pension funds got a portion of the WARN settlement. They should do the right thing and give CF Teamsters credit for those fifteen days or so we were short on getting a year's credit.

Calvin Baker
Local 728, retired
Atlanta

Holland Expansion — Have Teamsters Gained?

Seven months after the fateful day that Red Star closed its doors and three months after Holland opened a number of terminals in former Red Star areas, we're wondering if there's anything positive on the horizon? Ask most former Red Star Teamsters, you'll hear a clear "no!" Some have taken jobs with other carriers, both union and nonunion. Many others got their names on the preferred hiring list but very few former Red Star Teamsters have gotten work at the new Holland terminals. If these union brothers and sisters were good enough to move the same freight a year ago, why aren't they being hired to do the work today? Hoffa and Tyson Johnson boasted they got a deal with USF to hire the former Red Star Teamsters; where are they now?

Werner Now on Paperless Logs

On Dec. 2 Federal Motor Carrier Safety Administrator Annette Sandberg signed an exemption to allow Werner Enterprises to use paperless logs for all its drivers. Werner, a nonunion truckload operator, uses GPS technology to record hours of service for its fleet of 8,475 trucks.

This technology may not be far off for the whole industry. The FMCSA must consider "black boxes" (electronic on-board recorders) as part of the upcoming changes in hours-of-service regulations. The Teamsters leadership should get out in front on this issue.

'Fast Card' for Border Crossing Will Put Car Haulers Out of Work

Troy Bernhardt
Local 938, Allied
Windsor, Ont.

As an employee of Allied Systems in Windsor, Ont., and a member of Teamsters Local 938, I would like to address the issue of the fast card program [for crossing the U.S./Canada border]. I, like many others, am in the process of obtaining a fast card to hold my job. At this point I do not have my fast card and therefore I am unable to work until I obtain one.

I have applied for this card twice now, but due to the fact that the Canadian government is 12 weeks behind in issuing these cards I am unemployed by Allied until I receive the card. There are some employees that will never be able to obtain a fast card, therefore they will

never be able to cross the border hauling cars. I have contacted the Teamsters and to no avail. They do not seem to show any interest in the issue that their fellow brother is out of work and some could possibly lose everything without the backing of the Teamsters.

I myself will eventually receive my card, but what I question is what about the guy who cannot obtain his card? When we were hired on at Allied the only stipulation for employment was to be bondable. How can the union just sit back and allow the company and big three [auto makers] to dictate our future employment. What am I paying union dues for? I thought it was to protect us from unfair labor practice. Far too many Teamsters are looking outside of the union for representation, some by hiring private lawyers.

Survey Results

UPS Teamsters Say Conditions Are Worse Today Than at Start of Contract

Only 10% of UPS members responding to a survey said they felt as good or better about their jobs today as they did before the current contract. Over 56% said that conditions are worse today at UPS than they were in 2002—not exactly a clean bill of health for UPS or the IBT in the wake of what was called the “best contract ever.”

Two years into the current UPS contract, TDU conducted a survey of UPS Teamsters to determine what they think about their jobs, the union and issues they face in the workplace. Nearly 1,000 UPSers from across the U.S. filled in the survey. When it came down to issues, two in particular far outdistanced the others.

Pension and Health Benefits

Sixty-two percent said that pension benefits were the single most important issue facing UPS workers. Far fewer than half of respondents said they were planning to retire during the life of the current contract, indicating that pensions are front and center even for many members who are not on the verge of retirement. Seventy-two percent rated health care coverage as either first or second most important.

When asked to rate the Hoffa administration on living up to their promises on benefits, an overwhelming 95% said that Hoffa had failed to follow through. Sixty nine percent said that their plans for retirement had changed as a result.

Members also have strong and clear feelings about management non-compli-

ance with the contract.

Sixty-one percent said that management rarely lives up to the agreement. Only 1% said that management always complies.

Most Common Violations

The area of the contract least often obeyed is the prohibition against supervisors doing our work; 59% said this provision was violated most often. Members said relief from overtime was the second most common contract violation. Subcontracting came in a close third with 13% citing it as the most common violation. Forty-seven percent said that subcontracting was happening constantly or frequently.

When it comes to the grievance procedure 50% said that it has deteriorated. Forty-five percent said that grievance panels rarely reach decisions on the merits of the cases and 87% said that horse-trading of grievances was common.

Working Safe (and Surviving Until Retirement)

Are UPS jobs becoming less safe? Eighty-one percent said that they had been injured in some way on the job. Sixty-three percent said they had to handle over-70-pound packages without help on at least a daily basis. Sixty-nine percent said that accident and injury rates have risen under the new Smart Label/Preload Assist programs.

Though UPS management does a poor job living up to the contract, there is one

thing at which they are quite good: 85% said that management had in place so-called safety bingo programs, under which workers are rewarded for underreporting accidents and injuries.

Back to the Future: Preload Assist

One element of the future for UPS workers is the Preload Assist/Smart Label system. Half of the respondents say they now have these programs at their workplace, and they are quite clear about the effects. Ninety-one percent said that stop

counts increased under it. Seventy-five percent said that preload positions have been reduced. Still, only 17% of respondents said preload assist was meeting UPS management expectations.

For complete survey results, visit www.tdu.org or phone (313) 842-2600.

Canadian UPSers Pressured into Accepting Contract

“If we do not accept [the contract deal], the company is telling us they will shut down. I believe only the members can respond to this threat by voting on this latest offer.”

That’s how Larry McDonald, president of Toronto Local 938, recommended a new six-year contract to over 1,000 UPS Teamsters in Ontario. Teamster officials repeated this threat elsewhere to sell a deal that was actually worse than what the company offered before the two-day UPS Canada strike on November 22-23.

The second vote came on a contract with a six-year term, instead of the previously offered four-and-a-half. In exchange the union got a tiny pension increase for full-timers, from \$55 per year of service to \$56.50, and an additional 15 cents per hour wage hike for part-timers. Was this worth giving the company an extra 18 months? There is not even retroactive pay back to the August 31 expiration date!

Bogus Threat?

After calling a 36-hour strike, Teamster officials apparently figured that workers would “vote right” the second time, after the first deal was rejected by a 2-1 margin. To make sure, they added the threat of closure to the sales pitch.

UPS might close in Canada? The company is rapidly expanding all over the world. How likely is UPS to close up in a major industrial nation that is next door to the mother-ship U.S. market? UPS Canada gets 40% of its volume from shipments to and from the U.S.

The November 22-23 strike caught the company off guard, since they had a deal with the officials. But that deal was rejected in locals across the country.

Several important issues triggered the rejection. Full-time wages are \$21 Canadian per hour, \$3 behind U.S. wages. The contract (both offers) provides only 60 cents per year in wage hikes; thus

Canadian Teamsters will fall even farther behind their U.S. brothers and sisters. The pension is also far below what is provided in most plans in the U.S. The settlement contains concessions, like extended progression times to reach eligibility for benefits and union wages. UPS part-timers make less than those at Purolator and FedEx in Canada and comprise some 65% of the UPS Canada workforce.

Pilots Stand Tall

The deal—announced on November 23—came just after the pilots’ union said it would honor picket lines in the United States if the Teamsters union decided to block goods coming out of Canada.

“In the last 24 hours UPS has moved management pilots from the United States into Canada,” said Captain Tom Nicholson, president of the Independent Pilots Association. He went on to say, “IPA will honor any Teamster primary picket line established in the U.S. or honor any declaration by the IBT that there are struck Teamster goods moving in the UPS system.”

In marked contrast, the U.S. Teamster leadership did nothing to extend support before or during the strike. In fact, although this was the largest Teamster strike of 2004, it was never even mentioned on the Teamster website until it was over! (Then it got five sentences, with no mention of the strike issues.) No information was issued to the 200,000 UPS Teamsters in the U.S. or even to local unions, to build solidarity across the border. There were no offers of solidarity if picket lines came to the border or to U.S. facilities or air hubs.

UPS Teamsters in Canada now have a contract, and their comments indicate they have learned a lot in the process. UPS Teamsters have not been very involved in the life of our union in Canada, but it appears that is soon to change.

UPS & Downs

Jacksonville Work Week Sellout

Jacksonville, Fla., UPS Teamsters are still demanding that the IBT take action to stop an illegal deal made between their local and UPS. Last year Local 512 let UPS change the workweek for Article 22.3 workers to four days of nine hours and one day of four hours. As a result of lost overtime pay these full-time employees have seen their take-home pay plummet, in some cases to the tune of \$15,000. No vote was conducted on the deal and members want the International to take steps to uphold the contract and put a stop to this sweetheart deal.

Members Explore Lawsuit Over Bonus Abuses

Teamsters in Los Angeles are investigating a potential class action lawsuit against UPS by package car drivers in bonus centers. The members are seeking to recover wages they lost as a result of reductions in their bonus pay.

The lawsuit will allege that UPS violated the California labor code by reducing the amount of incentive bonus wages paid to drivers without proper notification.

Over time, UPS has cut the amount of bonus pay to drivers. The introduction of the PAS system has further reduced drivers’ bonus by as much as half, some drivers report. UPS has refused requests from employees to provide the exact formula used to calculate their bonus wages.

Many Teamster drivers have opposed the bonus for these very reasons. Over time, management increases workload and decreases bonus pay.

The suit could be especially difficult as the company may claim it should come under federal labor law, not state wage legislation. Members are working with the law firm of Spiro Moss Barnes Harrison & Barge.

Teamster Discontent Stirs Elections

Teamsters concerned about the direction of our union are letting officials know it at the ballot box. That's the finding of a TDU analysis of Teamster local union elections in 2004.

TDU analyzed the results of a large number of local union elections, with over 100,000 total members. In many of these elections, old guard officials (often the incumbents) lost. Many other officers barely survived strong challenges from rank and file slates who ran on a platform of a new direction.

From Nashville, Tenn., to Reno Nev., and from Washington D.C. to Cincinnati, members voted for change in many local

unions.

In some cases, officials loyal to the Hoffa administration won, but by narrow margins. In New York Local 237, International Vice President Carl Haynes faced his strongest ever challenge, but survived with 53% of the vote. Reform slates took 47% in Minnesota Local 638 and 49% in Memphis Local 667.

Turning Frustration in Positive Direction

"Members are very upset about the decline of Teamster power. In TDU, we're working to turn that frustration in a positive direction and build Teamster power,"



Some of the Atlanta Local 728 Members First team with supporters. The 6,200 members elected Randy Brown (left of center, white shirt) president, Larry Macdonald (center, white shirt) secretary-treasurer, and Scott Webber (right of center, white shirt) recording secretary. Butch Traylor, candidate for vice president, is behind Brown. All are active Teamster reform leaders.

Georgia Teamsters Elect New Leaders

Members in two local unions representing over 10,000 Georgia Teamsters have voted this fall for new leadership. In November Local 728 members elected the Members First Slate. And on Dec. 15 Local 528 members elected a slate that successfully challenged Hoffa's hand-picked successor in that local.

Georgia has a long tradition in the history of Teamster reform. Teamsters here have also been deeply involved in the effort to stop pension and health benefit cuts.

While continuing to move ahead with positive changes, members in both locals may now also face what is becoming a worn-out routine under the Hoffa administration: re-run elections. The losing slates in both locals have filed protests.

Local 528 members will also be demanding that the International end its trusteeship of the local, imposed over 20 months ago, and install their duly elected officers as quickly as possible.

said TDU International Steering Committee member Larry Macdonald. In November, Macdonald was elected secretary-treasurer of Georgia Local 728.

TDU members are gearing up now for 2005 fall elections, and for elections for Convention delegate that will happen in all local unions in the fall of 2005 or March-April 2006. Rank and file reform candidates consistently do well in dele-

gate elections.

David Thornsberry of 15,000-member Louisville Local 89 recently told the TDU Convention, that, "Members are angry about the pension cuts and poor representation and they're looking to our local election to do something about it."

Rank and file power is on the increase. The time is now to plan to make it effective.

Reformers Stand up for Pensions, Sweep Election in Metro New York Local

New York Local 805 members elected the Sandy Pope Leadership Action Team in balloting on Dec. 7. Pope, a long-time leader in the Teamster reform movement and a member of the TDU International Steering Committee, defeated the incumbent president by a wide margin. All

ers to cut the pension accrual rate to zero—meaning that members will earn no pension credit beginning in 2005. At the same fund meeting, employer trustees and an alternate designated by Whelan's defeated executive board voted to hire Whelan as the fund manager.

As we go to press, the new Local 805 executive board is making plans for a campaign to defeat the pension cuts and job grab pushed through by Whelan and the employers—including possible litigation.

"Gerry took care of himself and hung the members out to dry," said Ralph Vomaro, the newly elected secretary-treasurer on the Leadership Action Slate. "We're not going to let him or the employers undermine our bene-



Sandy Pope, left, campaigns with supporters for the Leadership Action Team.

fits."

seven members of her slate were elected. Cuts to the Local 805 pension were a major issue in the campaign. Pope opposed them and said the union should launch a campaign to preserve benefits. Incumbent President Gerry Whelan said that stock market losses in 2001 and 2002 made pension cuts inevitable even though the Local 805 pension fund is 90% funded—making it much stronger than other funds that have cut benefits.

Members backed Pope by a 58% to 42% margin with 55% of the local's 1,200 members voting. But Whelan was not about to let the voice of the members get in the way of his plan to cut members' pension.

In an 11th-hour move before leaving office, Whelan struck a deal with employ-

Pope and the Leadership Action Team have a track record of defeating employer demands for benefit cuts. In the last round of negotiations, multiple Local 805 employers demanded that members start paying for a portion of their medical benefits.

Instead, Pope, with the backing of strong rank and file negotiating committees, bargained record contribution increases that preserved members' medical benefits without cuts or cost-sharing on the monthly premium.

"Local 805 members elected the Leadership Action Team to strengthen union representation and fight to protect our benefits—and that's what we're going to do," Pope said.

campaign to keep their \$100,000 salaries, and won. The Local 743 New Leadership Slate is going to deal with the issue legally.

All Teamsters believe in democracy. We respect the fact that Hoffa was elected our Teamster president, and that our local union officers were elected—not in stolen elections, but in fair elections; not "vote till you get it right," but "respect the right of members to decide."

All Teamsters, regardless of viewpoint, need to unite to protect our right to vote. We fought too hard to win that right to let anyone undermine it.

Will Hoffa Set New Record for Election Theft?

Let's say your local holds an election. The incumbents determine whether it will be a walk-in or mail-in. They set the dates. They make all the rules. They run the nominations meeting. They rule on who is eligible. They have access to all the shops. They control the printing, mailing, balloting and counting. They run the whole shebang.

Then they lose, and claim the election was stolen!

Sounds weird, but IBT President James Hoffa buys it, whenever he feels like it. He did it in Milwaukee Local 200 (reformers won bigger the second time).

He did it in Washington D.C. Local 639 (his running mate lost the second time, in a sweep). He's done it in other cases, and will no doubt do it again, until he is stopped.

The last IBT president to use this dirty tactic was racketeer Jackie Presser. But Hoffa seems to want to outdo him.

Fortunately, reformers who take office on Jan. 1 inevitably win by a bigger margin in the "vote till you get it right" rerun. That trick has never worked when reformers were allowed to take office. Teamsters resent having their vote stolen, and react accordingly.

Will Hoffa try it once again in Georgia Local 728? (The incumbent BAs ran the show, then cry-babied after they lost.) Will Hoffa try it in Georgia Local 528? (His appointed Trustee Doug Norris ran the election, and then whined after he lost.)

In 12,000-member Local 743 in Chicago, those who believe they "own" the union used a special trick. They stopped the count with reformer Richard Berg seven votes ahead of the incumbent, and ordered a quickie re-vote.

They then used even more dirty tricks, and spent an estimated \$100,000 on their

Excessive Overtime Hurts Teamsters and Families

More people are working more hours than ever before in the U.S. The drive to press more production out of fewer workers is putting a squeeze on workers and their families.

Teamsters are no exception. Ask the family of a freight road driver, a UPS package car driver, or a grocery warehouse selector—nearly every Teamster jurisdiction has its

own excessive overtime horror story.

Teamsters have consistently rated excessive work as one of their top concerns. In a recent survey by TDU, UPS members said that overtime was their top concern after the issues of pension and health benefits.

Family life is one casualty of excessive overtime. A Teamster

may not see his or her children for more than minutes on a work night—or not at all—and then be too tired to take advantage of weekend time.

Another casualty: overworked, tired workers are more likely to have accidents. They are also more susceptible to repetitive strain injuries and back injuries. Among drivers, fatigue is a major contrib-

utor to vehicle accidents.

As the Local 206 example (below) shows, it is possible to win and enforce contract language that protects against excessive overtime.

The IBT should make this issue a strategic priority since it affects so many Teamsters, our families, and our communities.

'UPS considers this dilemma 'your' problem'



anything and everything until and unless you can prove yourself innocent. A female needs to work twice as hard to garner half the respect and that is usually not sufficient. When cover drivers do my route they usually take one to two hours longer to do the work that I do every day.

Wendie Price
Local 174, UPS
Seattle

As a single parent I have always felt stuck between a rock and a hard place. By Washington state law my son cannot be in any form of childcare (including school time) for more than ten hours per day. He starts school at 8 a.m. I pick him up from onsite daycare at 6:30 p.m. (usually late, more like 6:45).

There have been many days when I have requested help and been told none was available and been threatened with my job. So what do I do? Abandon my son? Or lose my job? UPS feels that it is entirely above this law and considers this dilemma "your problem."

I have been a UPS package car driver for nearly 13 years. A normal day includes handling automotive rear axles, ninety-five pound Land Cruiser bumpers, and crated parts that are close to our maximum weight limit of 150 lbs.

UPS has a pretty hard-line feeling toward its employees. You are guilty of

'They force you to work or they write you up'

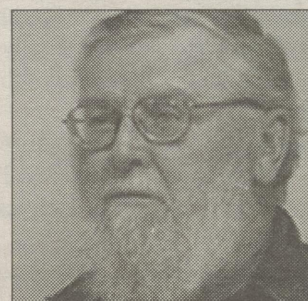
People are getting forced into four hours of overtime every single day. They also force people to work on their days off, sometimes both days. I'm nearly 61 years old. After I bust my back for eight hours, I don't want to be there anymore. It doesn't matter if you've got a doctor's appointment or a family event, they force you anyway or they write you up.

It got so bad that someone circulated a flyer at work advertising for a "part-time dad," explaining that they couldn't be available to do things with their kids because of all the overtime and needed someone to stand in for them!

The company's got no respect for us or our time. We've had enough.

Stanley Price
Local 863, Johanna Foods
Mountainside, N.J.

'Drivers are being exploited'



I have 19 years with Roadway as an over-the-road driver.

When it comes to hours of work and home life, drivers are being exploited. The new hours-of-service regulations make matters even worse.

Thirty-four hours off duty [the "reset" time under the new regulations] does not provide an adequate rest period for drivers, never mind a home life. In order to spend any time with your family you need to forget about getting adequate rest. Ten

hours off between trips is actually far less once you actually get home and unwind.

This system also subjects drivers and their families to the risks of accidents. Look at the statistics and the instances of drivers falling asleep and driving into the ditch or worse. The proof of the pudding can also be seen when you look at divorces and mortality for road drivers.

Fortunately, Roadway has stuck with the old way of computing hours of service for the time being. Of course we have always wanted to see an *improvement* in the rules.

If the employers could run us without a rest period they would do it. But we aren't machines and need to keep fighting for hours-of-service rules that give us more protection, not less.

Skipper Bair
Local 20, Roadway
Toledo, Ohio

Contract Language and the Fight Against Forced Overtime

Some Teamster contracts address the issue of excessive overtime. Here are two examples.

Forced overtime is a huge problem in grocery warehousing. Oregon Local 206 has fought for strong contract language limiting overtime in their grocery contracts. Local 206 Secretary-Treasurer Tom Leedham knows about forced overtime from back when he was a rank-and-file member working at United Grocers (now Unified Western Grocers) in the 1970s. "They would work us from 5 p.m. to 5:30 a.m.," says Leedham.

"In 1977 we struck to get overtime language in our area grocery agreement and won. The language limited forced overtime to two hours a shift and ten hours total a week. To this day, in every contract negotiation, we've had to fight to keep this."

The National Master UPS contract also contains language regarding overtime, though somewhat weaker than what is found in the Local 206 grocery con-

tracts. UPS Teamsters can use this language to pressure management to limit forced overtime.

Some years ago, when UPS drivers at the Bluegrass center in Louisville were being given excessive pieces to deliver, drivers got together to fight the problem using the "9.5 hours" language in the master UPS agreement. Article 37, Section 1 gives the right to grieve if drivers have to work more than 9.5 hours a day for any three days in a workweek. "About 20 of us started consistently filing 9.5 grievances for every period in which there was a violation," says Local 89 member David Thornsberry, who was the union steward. "We filed almost 200 grievances total. On each of them, we asked that as a remedy UPS hire more drivers. They were inundated with 9.5 grievances, which were taking up about 90% of grievance hearings. As a consequence, they hired about 20 additional drivers at our center over a period of about a year."

Rail Workers and Excessive Work

Teamster brothers and sisters in the rail industry have their own over-work issues.

Engineers and conductors are governed by a federal hours-of-service law that permits the employers to work them for twelve consecutive hours, followed by eight hours rest—defined as the time between punching out and punching in. If a shift is less than twelve hours, then less than eight hours of rest is required in some cases.

The result is that the men and women operating locomotives have no

defined schedule and can be called to work on little or no sleep.

And short staffing, with fewer workers available to do more work, is a problem found throughout the transportation industry, rail and trucking alike.

Rail employers are out to put further limits on worker time off. The freight carriers in their initial contract proposals demanded sweeping changes in work rules regarding time off, showing their deep disregard for concerns about fatigue and safety.

Guest Viewpoint:

Multi-employer Pension Funds Need Relief, Yes, but First Reform

Mike Nardelli
Local 229, Roadway
Scranton, Penn.

[Mike Nardelli is vice president of the Central Pennsylvania Teamsters Reform Committee. Since 2002 this committee has worked to win improved pension benefits for Teamsters in the Central Pennsylvania fund. For more information visit their website at www.saveourpension.org.]

There has been a great deal of discussion lately about pension relief from many sources. The IBT releases regular statements regarding the need for relief, and in the July/August issue of Teamster Magazine the IBT called for Teamsters to "join [John] Kerry in his fight for legislation that provides meaningful relief for multi-employer pension plans."

Our committee couldn't agree more that our pension funds need help but isn't reform more important than relief?

Interestingly, Timothy P. Lynch, president and CEO of the Motor Freight Carriers Association (MFCA), agrees with the IBT that relief is needed but he also claims reform is necessary. The Central Pennsylvania Teamsters Reform Committee agrees! However, his idea of reform is skewed almost entirely on behalf of the companies he represents, naturally!

We Might Be Able to Agree

In testimony before Congress Mr. Lynch made a number of points we might be able to agree on. For example:

"The employers...are concerned about the current framework for multi-employer plans and strongly believe that if not properly addressed, the problems will only get worse, thus jeopardizing the ability of contributing employers to finance the pension plans and ultimately putting at risk the pension benefits of their employees and retirees."

Note that the employees and retirees come last in regards to his concerns.

The main point of his testimony was that the companies have no control over how the funds are maintained. He reiterated this point near the end of his statement:

"Employers cannot be expected to bear ultimate responsibility for the financial viability of plans, but at the same time be precluded from any ability to hold the plan and its trustees accountable."

Mr. Lynch's statement conveniently forgets this position is set by ERISA, the law covering pension benefits and that we working Teamsters pay for our retirement and medical benefits with our labor, skill, and dedicated service. Our benefits are negotiated and earned; they are not a gratuity or a gift.

Lynch is quick to point out the costs of our benefits and that they are part of the National Master Freight Agreement but one gets the impression from reading his testimony that their contributions are something they do willingly instead of something they are contractually obligated to do. Lynch complains, "because of the legal restrictions placed upon trustees in furtherance of their fiduciary responsibilities, there is very limited control by our companies over the actions and decisions of trustees."

Turn Over Control?

So are we to assume the solution is to turn over all control to the companies instead of trustees who are legally obligated to act in the best interests of the participants?

You really need to read the entire testimony to see Mr. Lynch's motives. I wonder if the only reasons Mr. Lynch testified were to:

- Eliminate the excise tax (avoid company liability),

- Gain control of the pension funds (avoid additional liability),
- Reduce the total number of Teamster pension funds from around 22 to one or two: "If two pension plans can cover 85% of the country, there is no reason why we need 20 to cover the remaining 15%,"
- And last but certainly not least—get rid of the pesky fiduciary responsibility.

Committee Has Suggestions, Too

Our committee also has some suggestions to reform pensions but I wonder if we will ever get the opportunity to share them with Congress:

1. Every citizen/participant has the right to expect the utmost loyalty and diligence from individuals and companies who safeguard and administer the benefits plans that we Americans depend upon for our retirement security and health (more fiduciary responsibility).
2. When pension laws are violated intentionally or recklessly, then those who

are responsible for the violation can be held liable for punitive damages in order to punish and prevent such violations, just as with other important rights under federal law (consequences for breaching fiduciary responsibility).

3. Enact extremely harsh penalties for pension improprieties, with effective enforcement tools built into ERISA (validity to existing laws).
4. Make available to all participants all information concerning their pension fund, barring access to nothing. (tools the participants can use to educate themselves).
5. A complete, annual, in-depth audit by an independent firm must be made of each pension fund. All aspects of every fund must be examined and made available to participants (honesty).
6. All pension fund changes must have complete plan changes and complete documents written and filed with the IRS and the Department of Labor before implementation. All plan participants must be notified of the proposed changes 60 days prior to any plan change (accountability).
7. Any money paid to a fund on behalf of, or by, a participant must become an accrued benefit for that participant upon the fund's acceptance of that money.
8. A company's withdrawal liability must be paid before a company can be sold or merged.

Many more items could be added to this list. Isn't it time our union put its political clout behind winning these kinds of protections?

Overhaul PBGC Rates

Finally, any meaningful reform should include overhauling the Pension Benefit Guaranty Corporation's (PBGC's) insurance rates for multi-employer pension plans. Single-employer funds pay \$19 per worker per year for coverage but multi-employer funds pay only \$2.60 per worker. Is \$16.40 per year the sole reason my potential PBGC insurance reimbursement (if the plan fails) is only one-third that of my single employer brothers?

The double standard goes further. If a single employer plan fails (and almost all failures are single-employer plans) the maximum benefit from the PBGC is \$3,580. If a multi-employer plan fails the maximum is only \$1,072 per month.

The squeaky wheel gets the grease. Mr. Lynch squeaked pretty loudly testifying before Congress, and the employers will likely step up their campaign in the future. The Bush Department of Labor has so far ignored the needs of pension plan participants.

How much noise do we have to make before we too can be heard?

Federal Judge to Central States Trustees: Open More Info to Members!

On Dec. 9 Judge James B. Moran directed the trustees of the Teamster Central States Pension Fund to turn more documents over to participants in the fund. The decision expands an Oct. 21 victory won by Teamster members in locals 638, 391 and 20.

Central States has now been ordered to reveal quarterly reports, along with financial and actuarial supplementary attachments, from August 2000 to the present, and into the future.

The information will help members see just what should have been done and who is responsible for the drastic cuts the trustees imposed.

"It's a great victory. Hopefully when we get these documents we can get an expert evaluation of the situation," commented Tommy Burke, a UPS driver in Local 391 who is one of the interveners in court. "I want to thank our attorney, Paul Levy, for his good work."

The trustees are apparently considering whether to appeal.

Teamster Website False

The official IBT website, in a "Central States Update" contains a load of false information. First, it states the court only ordered that two reports be revealed. The truth is that the court ordered that many reports be turned over, along with additional separate



Tommy Burke, Local 391, intervened in the case to win information for Central States participants.

financial attachments.

Second, the International claims that Public Citizen Litigation Group took the action; in truth, long-time Teamsters took this action; they are represented by Paul Levy of Public Citizen.

Third, the International says the reports contain "little new information." This statement is interesting because in court the International's trustees claimed the exact opposite: that vital secret information will be revealed. These same false statements are posted on the Central States site.

TDU and the Central States Pension Improvement Committee, along with concerned members and officers, will continue to fight for pension justice. This is one more victory in a long march toward that goal.

Company Demands \$8 Wages

Gate Gourmet Workers Say No to Concessions, Authorize Strike

Workers at Gate Gourmet, an airline and railroad food service provider, are voting in December to authorize a strike if the company won't sign a fair contract.

The Teamsters and UNITE HERE jointly represent about 8,000 Gate Gourmet workers nationally, with individual locations represented by one union or split (drivers as Teamsters). The IBT represents 3,500 members in cities including Chicago, Los Angeles, Washington D.C., Atlanta, and Memphis.

The notice of a strike vote came as a surprise to many members. There had been little information coming from the IBT about the status of negotiations, which are being led by IBT Western Region Warehouse Director Steve Vairma.

Gate Gourmet is demanding huge concessions, including:

- Big wage cuts with top wages for some workers as low as \$8 an hour,
- Company health insurance contributions cut to \$100 a month maximum,
- Eliminating pension and 401(k) plans,
- Making 15% of workers part-time

employees with no benefits.

To resist this attack, the national leadership of the IBT and UNITE HERE need a plan to put pressure on Gate Gourmet and its owners, the Texas Pacific Group (TPG). TPG is a private investment company with over \$13 billion in assets. It owns Burger King, Motorola, and the clothing store J. Crew, so it has deep pockets.

Reportedly the new CEO is behind the union-busting approach the company is taking.

What Is the Plan?

The union leadership has demanded that health premiums be no more than \$40 per month for each worker and that important on-the-job protections be reinstated, along with wage increases.

What is the plan to win? That is what is needed from the IBT/UNITE HERE Council.

The Gate Gourmet Teamsters appear headed for a battle. All of labor should stand with them.

Help Keep Teamsters Informed About Our Union—Distribute Convoy Dispatch

To order, phone (313) 842-2600 or email tdu@tdu.org



"Keeping Teamsters informed about our union is one of the most important things we are doing in Local 728. *Convoy* is the key to that—for more than a year we've been working hard to get the *Convoy* out to as many Teamster brothers and sisters as possible.

"At first it seemed like a big job to get the *Convoy* distributed but we kept at it and developed a *Convoy* distribution list which grew steadily over time. On our behalf, TDU sends bundles of *Convoys* to seven volunteers on our list and then they distribute the *Convoy* at their worksite. It has helped us all in getting to know more of the issues at a minimal cost. With each person doing a little we can reach more Teamsters. The *Convoy* and our members' hard work helped to make a difference in our local election."

Larry and Theresa Macdonald

**Local 728, Yellow
Atlanta**

Railroad News

Delegate Elections for Rail Teamsters

The election of delegates to the IBT Convention in 2006 will be by direct mail-in ballot in March and April, 2006. All members in good standing will be able to vote on their delegates (see full story on page 3).

BLET

Each General Committee with at least 100 active members will get at least one delegate. Those with more than 1,000 members will have another delegate for each additional 750 members or major fraction thereof.

Teamsters Canada Rail Conference will have one delegate for the first 1,000 active members and another for each additional 750 members or major fraction thereof.

BMWED

Each System Federation with at least 100 active members will get at least one delegate. Those with more than 1,000 members will have another delegate for each additional 750 members.

If there are General Committees in the BLET or System Federations/Divisions in the BMWED that have fewer than 100 active members, then they will be grouped together, within the BLET or BMWED, by region: 1) New York, New Jersey, Pennsylvania, and New England; 2) Minnesota and all states west of the Mississippi; and 3) all other states.

For more information on how to get involved in your union's delegate elections and convention, contact TDU at (313) 842-2600 or email tdu@tdu.org.

IBT Loses BMW Members in Canada

Shortly after the Brotherhood of Maintenance of Way Employees (BMW) voted to merge with the IBT in October, nearly 3,000 members decided to join the Steelworkers instead. The narrow vote was the culmination of a protracted power struggle between the unions on the Canadian National Railway that began around the time merger talks were gaining momentum between the Teamsters and the BMW.

For at least a year, the Steelworkers had enjoyed considerable support among CN workers as an alternative to the Teamsters. However, the BMW leadership urged its members to sign IBT authorization cards as a way to bring about a vote. Instead of allowing a vote, the Teamsters used the cards to request certification as the collective bargaining agent. The Steelworkers urged the Canada Industrial Relations Board to conduct an election rather than certify the Teamsters. The board eventually agreed to do so, and when the ballots were counted on November 19, the tally went against the Teamsters by just eleven votes.

Teamsters Fight Union-Busting at Tyson

Local 556 Teamsters at Tyson Foods know what they want in the New Year—to beat corporate union-busting at the world's largest meatpacking company and win a new contract.

Meatpacking is dangerous work—especially at Tyson's plant in Pasco, Wash., where Teamster members are injured at three times the national average for comparable meatpacking plants. Tyson Teamsters know they can't beat a multinational corporation on their own. Since electing a reform leadership in 2000, Local 556 members have built alliances with unions, community groups, and human rights organizations to work together to promote workers' rights and consumer safety at Tyson.

Working with these allies, Local 556 members have exposed corporate wage and hour violations and won a \$7.3 million court settlement in unpaid wages—with another \$8 million victory anticipated in state court. When a Local 556 Teamster lost his arm in a grisly accident, a union investigation revealed that the company had knowingly removed a safety mechanism from the machine.

Tyson management has responded to this stand-up local by trying to destroy it. In April 2004 management tried to get workers to decertify the Teamsters. Tyson failed and workers voted to remain Teamsters and begin contract negotiations. But instead of respecting the workers' vote and bargaining in good faith, Tyson stalled at the bargaining table, cancelled dues check-off, and demanded a new decertification vote.

In November, Tyson threatened to impose a five-year contract that would freeze workers' wages and eliminate workers' union rights like dues check-off and union security—effectively ending union representation at the plant. Tyson workers responded by overwhelmingly

signing a petition rejecting the company's offer. Tyson has now agreed to meet with the union and a federal mediator on Jan. 11-13.

Local 556 Teamsters are not asking for the moon. But Tyson is trying to force Teamsters to accept an agreement that is vastly inferior to what they agreed to in numerous recent contract settlements.

Breaking News: New Decert Vote Ordered

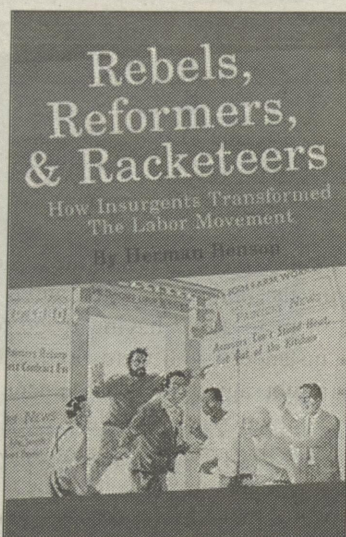
In late December, the Bush administration's NLRB gave Tyson management its wish—ordering a re-run of the decertification vote over the recommendations of the NLRB's own hearing officer in the case.

Tyson workers are rallying around a campaign to "Say No to the Wage Freeze by Voting Yes for the Union."

The fight by Local 556 Teamsters deserves the full support of our International Union. All Teamsters have a stake in winning this fight against corporate union-busting.

In their struggle for justice at Tyson Foods, Local 556 has received solidarity from Teamster locals as well as community groups and labor organizations across the U.S., Japan, Korea and Mexico—Tyson's largest markets. With our support, these brave Teamsters can beat the union-busters and win a contract at Tyson Foods.

Local 556 is asking members to fax and mail a letter demanding a fair contract settlement in 2005. Letters cards can be sent to Mr. John Tyson, CEO Tyson Foods, Inc., 2210 West Oaklawn Drive, P.O. Box 2020, Springdale, Ark. 72762 and faxed to (479) 290-4028.



"Herman Benson launched the union democracy movement almost single-handedly, nearly 50 years ago," says Ken Paff, TDU national organizer. Now Benson has written a book about the his-

Review: Union Reform History in the First-Person

tory of the union reform movement he took part in: *Rebels, Reformers and Racketeers: How Insurgents Transformed the Labor Movement*.

Benson writes the account of union reformers in the United Mine Workers, the Laborers, the Longshore Workers, the Teamsters, and other unions—all "independent-minded unionists who are loyal to unions because they cherish the values of decency, democracy and dignity, and who resent injustice."

Benson has been a toolmaker and machinist, and a member of the UAW, the Rubber Workers, the United Electrical Workers, and the International Union of Electrical Workers. He is a cofounder of

the Association for Union Democracy, and *Rebels, Reformers and Racketeers* is also the story of AUD.

One of the first reformers with whom Benson worked closely was Frank Schonfeld. In the early 1960s Schonfeld took on corrupt officials in New York Painters District Council 9. At that time almost no one inside or outside the union was willing to say out loud that its officers were corrupt.

Using New Rights

When those officials tried to silence Schonfeld with internal union charges, Benson found attorneys who successfully defended the reformer using the newly enacted Labor Management Reporting and Disclosure Act. To forestall an election, the Painters International imposed a trusteeship. But the reformers won a court order lifting the trusteeship and mandating independently supervised elections. Schonfeld proceeded to win two terms as Painters DC 9 secretary-treasurer, and won wage and benefit gains unheard of under the old regime. (Schonfeld also hired Benson as part-time newsletter edi-

tor for the District Council.)

Benson writes that it was us, the Teamsters, who took reform to a higher level in 1991:

"It was the proliferation of these insurgent movements that validated dissent in unions. It was the 1991 Teamster reform victory that tipped the balance in the AFL-CIO. Forty years of broad rank and file reform activity provided both the moral legitimacy and the power that made possible Sweeney's insurgent quest for the AFL-CIO presidency in 1995."

Benson paints a sweeping picture of changes in the labor movement, but some of his most interesting material is from the trenches in unions that didn't see major national reform. In many of those struggles, AUD has acted as reformers' attorneys. So be prepared to read plenty of everyday-English descriptions of legal battles won and lost.

Herman Benson's *Rebels, Reformers and Racketeers* is available from the Association for Union Democracy. Paperback, 200 pages, \$18. Phone 718-564-1114 or visit www.uniondemocracy.org.

Local 456 Rank and File Demand a Voice

Local 456 Teamsters in New York and Connecticut are organizing for the union democracy they were promised when their local was put in trusteeship in January 2003. Two years later, the trusteeship continues with no end in sight—even after members elected a new executive board.

In the meantime, collective bargaining under Trustee Dan Kane has ground to a halt. Numerous public sector contracts expired months ago. When the contract covering 500 public sector Teamsters in the Town of Greenwich, Conn., expired, Local 456 trustees failed to notify the employer of the union's intention to bargain a new contract—and did not even respond to Greenwich officials' requests to bargain. The only action the trustees took was to dissolve the union's negotiating committee!

Members filed charges with the State

Board of Labor Relations and negotiations began with the Town of Greenwich on Dec. 7. Trustee Kane's son Walter Kane is no longer working with Greenwich members after he was recorded threatening members at a meeting last July.

President-elect Eddie Doyle is heading up the bargaining. Members continue to push for a voice in the negotiations. They are signing a petition for elected rank and file representatives on the bargaining committee, a lawyer familiar with Connecticut labor law to assist with the negotiations, and regular meetings to update members on the progress of negotiations.

"The fruits of [members'] labor are starting to bloom," said Sean Turpin on the greenwich456.com website. "There is no time to stop. We must remain vigilant and demand to be kept informed."

A Proud Tradition of Struggle

GCIU Merges with Teamsters

The Graphic Communications International Union's (GCIU) 60,000 U.S. members voted by a narrow margin to merge into the Teamsters. Most Canadian locals, which voted separately, have rejected the proposal. One local in Toronto and all three locals in Quebec have decided to affiliate with the IBT.

TDU welcomes our new brothers and sisters across North America into the Teamsters. GCIU will now be an autonomous printing trades conference within our union.

Those in favor of the merger have expressed hope that the Teamsters will help them in their fight against the giant antiunion corporation Quebecor World, and will provide political clout. Support came especially from GCIU members who work alongside Teamsters at newspapers. In addition, one large California district council voted heavily for the merger. In the other regions of the country, the

vote was fairly evenly split. Overall, 35,000 members voted, with 52% voting yes.

Throughout the process many leaders at all levels of the GCIU voiced strong opposition to the merger, citing concerns about the Teamsters' ability to protect pensions or help the GCIU stabilize its membership. The Committee to Save GCIU, a union-wide group of members and leaders, also noted that the Teamster structure is more centralized and "top-down" than what they have now in the GCIU.

The GCIU carries a proud tradition of standing up to employers. Moreover, the members traditionally have a distaste for closed-door meetings and backroom deals. We invite all GCIU members to meet like-minded Teamsters by joining TDU to work for democracy and the very highest trade union principles within the IBT.

Labor Shorts



Debate on the Future of Labor

Although it has barely attracted notice among union members, in the past year a debate has raged at the top of the labor movement. It was initiated by Andy Stern, president of the 1.7 million-member Service Employees Union, along with the leaders of UNITE-HERE and the Carpenters, with the intention of restructuring major unions and the AFL-CIO.

On Dec. 8, the Teamsters union leadership entered the discussion with a ten-page paper, apparently drafted by consultant Greg Tarpinian and approved by the General Executive Board.

Visit www.tdu.org for a detailed listing of viewpoints in the debate.

Retirement is Too Sweet

Les Singer, IBT international vice president for the Central Region, no longer lives or works in the region—he has retired to North Carolina. But he remains a vice president and is drawing a full International salary. Perhaps he should take his multiple pensions and let someone else take his position.

California Supermarkets Underpaid Janitors by \$22.4 Million

Albertsons, Vons and Ralphs have settled a class action lawsuit filed by 2,100 janitors, mostly Mexican immigrants, who were cheated on hourly wages and never paid overtime. Workers were putting in as much as 70 hours a week with no overtime pay. The grocery chains had tried to avoid responsibility by saying that the cleaning companies they contracted—not the chains—were responsible. Each janitor will receive \$10,000 on average.

Teamster Victory and Defeat at Piedmont

The Teamsters union won an organizing victory for 400 mechanics and related workers at Piedmont Airlines on Dec. 21. Piedmont is a regional carrier in the east and feeder airline for US Airways.

Meanwhile, the Teamsters lost 900 customer service and ramp workers at Piedmont, as the company was able to defeat a unionization drive jointly run by the IBT and the Communications Workers in early December. The Teamsters had represented 900 workers at Allegheny, another regional carrier that was acquired by Piedmont. About 38% of the workers voted union.

Filing NLRB Charges: A Tool for Rights but No Quick Fix

One of the main laws that protect the union rights of workers in the U.S. is the National Labor Relations Act (NLRA). It applies to most private sector workers. Airline and railroad workers, who are covered under the Railway Labor Act, are excluded.

The NLRA protects workers' right to form, join and assist unions; to bargain collectively; and to organize together with coworkers for "mutual aid or protection." This includes the right to organize within your union, like TDU members do. The National Labor Relations Board (NLRB) enforces the NLRA.

Workers can file unfair labor practice charges ("ULP charges") against a company or union with the regional NLRB office in their area.

Filing ULP charges is rarely the best solution to a workplace problem. The NLRB has become increasingly oriented in favor of employer interests over the years. Direct pressure or effective use of the grievance procedure is usually better.

But ULP charges can be another means of putting pressure on the employer if they are violating your rights.

This article covers the basics regarding ULP charges. If you have more questions, call TDU at 313-842-2600.

Is It a ULP?

Not all workplace injustices or contract violations are also unfair labor practices. If management violates the contract by giving everyone extra overtime, it is probably not a ULP. But if they only make the union steward who stood up to the supervisor work overtime, it probably is a ULP.

To be a ULP, management's action must interfere with the exercise of your right to organize together with your coworkers, or discriminate against you for exercising that right.

For example, the NLRB recently filed a complaint against Roadway Express and Teamster Local 891 in Meridian, Miss. for prohibiting workers from posting TDU literature on an employee bulletin board where other postings—like flyers for car-washes and lawn service—were allowed.

Here are other examples of employer unfair labor practices:

- firing or disciplining workers for being union activists,
- refusing to let workers have a union steward present at a disciplinary interview,
- refusing to bargain with the union over workplace issues,
- refusing to provide information requested to process a grievance or monitor contract enforcement,
- holding union stewards or activists to a higher work standard,
- prohibiting distribution of union or TDU literature on non-work time and

in non-work areas.

Examples of union unfair labor practices include:

- filing internal union charges, fining, or expelling a member for most internal union activity;
- getting an employer to discriminate against a member because of their internal union activity;
- threats or violence.

Filing Charges

ULP charges are filed on standardized forms provided by the NLRB. The forms are available from your regional NLRB office or from the NLRB website (www-nlr.gov).

You don't need an attorney to file ULP charges.

Talking to an NLRB agent ahead of time, or calling TDU, can help you determine whether your complaint is actually a ULP and can also help you to fill out the charge correctly.

The ULP charge form is not the place to list all the details of your case. Just give the date and a brief description of what happened. For example, "On or about Jan. 1, 2005, the employer suspended union steward Mary Martin in retaliation for her union activities."

You have six months from the date on which an incident happened to file a ULP charge. That's six months from the incident, not six months from when your grievance is decided. The clock does not stop ticking while you try to resolve a dispute through internal union charges either.

Investigation

After you file a ULP charge, an NLRB agent will contact you to investigate it. They may take a statement from you. They will also contact the employer to get their side of the story.

It is risky to assume that the NLRB agent assigned to your case will do a thorough investigation. Assume that it is your responsibility to put together all the facts needed to convince the NLRB agent and the Regional Director that a complaint should be issued.

That means providing them with a clear description of the relevant events, documentation, signed statements from witnesses, and phone numbers for people

who can provide verification.

Always ask the board agent for a copy of your affidavit, and ask your witnesses to get copies of their affidavits.

Grievance Procedure

Actions by the company that constitute Unfair Labor Practices can often be grieved as violations of the contract, too. If you have filed ULP charges over something that you filed or could have filed a grievance over, the NLRB can choose not to review your charge until after the grievance procedure is complete. This is called pre-arbitral deferral, or Collyer deferral.

After you have a final grievance decision, you can ask the NLRB to review it. Again, they can choose to defer to the arbitration award.

Two important areas in which the NLRB

will not defer to the grievance procedure are information requests and Weingarten rights.

If the union asks for information reasonably needed to process a grievance or monitor enforcement of the contract, management is required to provide it. If they don't, they are committing an 8(a)(5) violation. The NLRB will not defer to the grievance procedure on information request charges because unless the employer provides information, the grievance procedure cannot work correctly.

Similarly, they will not defer in cases where workers are denied the right to representation by a union steward at an investigatory interview.

The NLRB's policy in regards to when they will or won't defer to the grievance procedure is complicated. If you have specific questions, call TDU or ask the NLRB agent assigned to your case.

Complaint and Trial

Within a few weeks or sometimes months of your filing a charge, the NLRB Regional Director will decide whether to defer to the grievance procedure, issue a complaint or dismiss the

charge.

If a complaint is issued, the employer or the union will often agree to a settlement to avoid having to go to trial. For instance if you were fired, the employer might agree to a settlement reinstating you with back pay. The NLRB can settle a case even if the person who filed the charge opposes the settlement.

If the NLRB issues a complaint, an NLRB attorney will be assigned to prepare your case for trial. Few charges filed with the NLRB actually end up being heard before a judge.

Cases are heard before an administrative law judge appointed by the NLRB. Attorneys for the NLRB and the parties can call and cross-examine witnesses and introduce documents.

As the charging party, you can hire your own attorney to represent you in NLRB proceedings. Though attorneys representing the NLRB will usually work closely with a charging party, the NLRB's interests are not always identical to yours.

Justice Delayed

After the hearing, and after taking written arguments from the parties, the judge will issue a written decision.

Getting a decision from the judge is often not the end of the story. An employer can drag their feet.

Any party to the hearing can ask the five-member board that heads the NLRB to review the judge's decision. This board, appointed by the president, is not fast; they have been sitting on some cases for years.

If an employer or union refuses to comply with an NLRB order, the NLRB can go to federal court to seek enforcement.

This waiting game hurts workers and unions who turn to the NLRB for help. Justice delayed is often justice denied.

Pros and Cons

Going to the NLRB can give union members some leverage that they would not have otherwise. TDU recently helped negotiate an NLRB settlement that will get New York City bus driver Jona Fleurimont \$24,000 in back pay. It also provides that he be reinstated to the job at Consolidated Bus Transit that he was fired from.

But justice has been slow. Jona was fired in January 2003, and the employer has made it clear that it will delay as long as it can. Other fired CBT drivers are awaiting an NLRB decision in their case.

Filing NLRB charges is not a quick fix solution. Organizing at work and effective use of the grievance procedure are still our first line of defense. But ULP charges are another tool that union activists can use to defend their rights on the job.

Unfair Labor Practices Listed in the NLRA

By the Company:

- 8(a)(1) interference with union activities
- 8(a)(2) domination or control of a union
- 8(a)(3) discrimination against a union activist
- 8(a)(4) retaliation for filing NLRB charges or testifying
- 8(a)(5) refusal to bargain collectively

By the Union, Against Members*

- 8(b)(1) restraining or coercing union activity
- 8(b)(2) causing or trying to cause an employer to discriminate against a union activist

*ULPs by unions against employers are not included here.

